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INTRODUCTION

The following Departmental Directive sets forth the policy, process and procedures used in the determination of eligibility for services and supports through the South Carolina Department of Disabilities and Special Needs (DDSN).

Criteria designated within South Carolina Code of Laws indicate seven (7) different categories of eligibility under the authority of DDSN:

Intellectual Disability (n/k/a, Intellectual Developmental Disorder) (ID);
Related to Intellectual Disability (RD);
High Risk Infant;
Autism Spectrum Disorder (ASD);
Head Injury (i.e., Traumatic Brain Injury); (TBI); Spinal Cord Injury (SCI); and
Similar Disability (SD).

Some individuals may meet DDSN eligibility criteria under more than one (1) category. In such situations, DDSN will consider which category will offer the most appropriate resources and service models to address the needs of the particular person. Individuals with primarily medical

conditions such as Diabetes, Hypertension, Multiple Sclerosis, Parkinson's Disease, Cancer, etc., will not necessarily meet DDSN eligibility criteria under any category. To be determined eligible, the criteria described herein must be met.

DDSN services are available to those who meet the specific criteria described herein and meet residency requirements in at least one of the following categories:

1. The applicant or his spouse, parent, with or without legal custody, or legal guardian is domiciled in South Carolina.
2. The applicant or his/her spouse, parent, with or without legal custody, or legal guardian lives outside South Carolina, but retains legal residency in this State and demonstrates to DDSN's satisfaction his/her intent to return to South Carolina.
3. The applicant or his spouse or parent, with or without legal custody, or legal guardian is a legal resident of a state which is an active member of the Interstate Compact on Mental Health and qualifies for services under it.

Eligibility for DDSN services is determined in ~~three~~ four (~~3~~4) phases. Those phases are:

1. screening,
2. intake,
3. determination of eligibility, and
4. notification of Decision and Right to Appeal.

~~Based on the category in which the applicant is likely to qualify or the age of the applicant, the required phases may vary. For that reason, the remainder of this document is organized as follows:~~

~~I. —~~ SCREENING

- ~~A. — Children less than two (2) years, 11 months of age.~~
- ~~B. — Applicants older than two (2) years, 11 months of age applying under the category of ID, RD, or ASD.~~
- ~~C. — Applicants older than two (2) years, 11 months of age applying under the category of TBI, SCI or both or SD.~~

~~II. —~~ INTAKE

- ~~A. — Children less than two (2) years, 11 months of age.~~
- ~~B. — Applicants older than two (2) years, 11 months of age applying under the category of ID, RD, or ASD.~~
- ~~C. — Applicants older than two (2) years, 11 months of age applying under the category of TBI, SCI or both or SD.~~

III. DETERMINATION OF ELIGIBILITY

- ~~A. Intellectual Disability~~
- ~~B. Related Disability~~
- ~~C. High Risk Infant~~
- ~~D. Autism Spectrum Disorder~~
- ~~E. Head and Spinal Cord Injury and Similar Disability~~

IV. NOTIFICATION OF DECISION AND RIGHT TO APPEAL

I. SCREENING

Screening is used to ensure that those interested in DDSN services are likely to qualify under one of the eligibility categories established by the South Carolina Code of Laws. During screening, questions are asked of the applicant or someone who knows the applicant well in order to identify those who are likely eligible from those with other non-qualifying disabilities. If an individual's needs may be met by another entity, he/she will be referred elsewhere.

A. Children less than two (2) years, 11 months of age

~~BabyNet is South Carolina's interagency early intervention system for infants and toddlers under three years of age with developmental delays, or who have conditions associated with developmental delays. BabyNet is funded and regulated through the Individuals with Disabilities Education Act, and managed through South Carolina Department of Health and Human Services. Therefore, if a child is less than two (2) years, 11 months of age, the child must be referred to BabyNet before any referral to DDSN can be processed.~~

~~If a child who is less than two (2) years, 11 months of age is receiving Early Intervention services through BabyNet from a DDSN-qualified provider, screening is not required.~~

~~If a child who is less than two (2) years, 11 months of age is receiving Early Intervention services through BabyNet from an Early Intervention provider that is not affiliated with DDSN, the child will be screened using the process outlined in under section II., B. of this document.~~

~~Note: When determined eligible for DDSN services, children who are less than two (2) years, 11 months of age are typically eligible under the category of High Risk Infant. By definition, the High Risk Infant category may only be applied to children who are less than 36 months of age. Therefore, except when in pursuit of DDSN eligibility under the ASD category, children who reach 37 months of age and have not been determined eligible for DDSN services under a category other than High Risk Infant will be closed.~~

B. ID, RD, ASD and for Applicants 2 years, 11 Months of Age or older

The applicant, his/her legal guardian or someone familiar with the applicant must call DDSN's call center at 1-800-289-7012 to answer questions about the applicant.

If determined by the responses to the questions that the applicant is not likely to be eligible for services (i.e., they are screened out), the applicant/legal guardian will be informed of other community resources or providers from whom assistance may be sought.

If determined by the responses to the questions to likely be eligible for services (i.e., screened in) in the categories of Intellectual Disability (ID), ~~or~~ Related Disability (RD), High-Risk Infant/At Risk Child, Traumatic Brain Injury (TBI), Spinal Cord Injury (SCI) or Similar Disability (SD), the screener will refer the applicant to the provider of their choosing for Intake.

If determined by the responses to the questions to likely be eligible for services (i.e., screened in) in the category of Autism Spectrum Disorder, the screener will refer the applicant to the DDSN Autism Division for Determination of Eligibility.

~~C. —~~ TBI, SCI, or both or SD

~~The applicant, his/her legal guardian or someone familiar with the applicant must call DDSN's call center at 1-800-289-7012 to answer questions about the applicant.~~

~~If determined by the responses to the questions that the applicant is not likely to be eligible for services (i.e., they are screened out), the applicant/legal guardian will be informed of other community resources or providers from whom assistance may be sought.~~

~~If determined by the responses to the questions to likely be eligible for services (i.e., screened in) in the categories of TBI, SCI or both or SD, the screener will refer the applicant to the provider of their choosing for Intake.~~

II. INTAKE

Intake is defined as the collection and submission of an accurate and complete set of documents in order for DDSN to determine if the applicant is eligible for DDSN services. The document set includes a properly executed "Permission to Evaluate" form; the current, appropriate psychological, medical, social, and/or educational records/reports required in order for DDSN eligibility to be determined.

~~A. —~~ Children less than two (2) years, eleven (11) months of age

For children who have a diagnosis, as recognized by the Individuals with Disabilities Education Act (IDEA) Part C program (BabyNet) Established Risk Condition List, confirmed by a medical professional and are actively receiving Early Intervention services through Baby Net, Intake will be conducted in one of the two following ways:

1. For a child who is actively receiving Early Intervention services through BabyNet from a DDSN-qualified provider, the DDSN-qualified Early Intervention provider may begin Intake for the child when the child's legal guardian so requests. "Actively receiving" is defined as having received Early Intervention services within six (6) months prior to the

submission of the set of Intake documents. Intake ends when the accurate and complete set of documents is submitted to DDSN for Determination of Eligibility.

2. For a child who is actively receiving Early Intervention services through BabyNet, but not from a DDSN-qualified provider, Intake begins when the child is determined to likely be eligible for services (i.e., screened in) under the ID or RD category and the child's legal guardian either:

a) Chooses to personally collect and submit the complete set of documents needed to determine eligibility to DDSN; or

b) Chooses a DDSN-qualified Intake provider to collect and submit the complete set of documents to DDSN on behalf of the applicant.

~~For a child who is actively receiving Early Intervention services through BabyNet from a DDSN-qualified provider, the DDSN-qualified Early Intervention provider may begin Intake for the child when the child's legal guardian so requests. "Actively receiving" is defined as having received Early Intervention services within six (6) months prior to the submission of the set of Intake documents. Intake ends when the accurate and complete set of documents is submitted to DDSN for Determination of Eligibility.~~

~~For a child who is actively receiving Early Intervention services through BabyNet, but not from a DDSN-qualified provider, Intake begins when the child is determined to likely be eligible for services (i.e., screened in) under the ID or RD category and the child's legal guardian either:~~

~~• Chooses to personally collect and submit the complete set of documents needed to determine eligibility to DDSN; or~~

~~• Chooses a DDSN-qualified Intake provider to collect and submit the complete set of documents to DDSN on behalf of the applicant.~~

Intake ends when the complete set of documents is submitted to DDSN.

When a child who is actively receiving Early Intervention services through BabyNet, but not from a provider that is not affiliated with DDSN, has been determined to likely be eligible for services (i.e., screened in) under the ASD category, Intake is not required.

~~B. ID, RD, ASD and for Applicants 2 years, 11 Months of Age or older~~

For applicants determined to likely be eligible for services (i.e., screened in) under the categories of ID or RD, TBI, SCI or both or SD, Intake begins when the applicant/legal guardian either:

1. Chooses to personally collect and submit the complete set of documents needed to determine eligibility to DDSN; or

2. Chooses a DDSN-qualified Intake provider to collect and submit the complete set of documents to DDSN on behalf of the applicant.

Intake ends when the accurate and complete set of documents is submitted to DDSN for Determination of Eligibility.

For applicants determined to likely be eligible for services (i.e., screened in) under the category of ASD, Intake is not required.

~~C.~~ TBI, SCI, or both or SD

~~For applicants determined to likely be eligible for services (i.e., screened in) under the categories of TBI, SCI or both or SD, Intake begins when the applicant/legal guardian either:~~

- ~~• Chooses to personally collect and submit the complete set of documents needed to determine eligibility to DDSN; or~~
- ~~• Chooses a DDSN-qualified Intake provider to collect and submit the complete set of documents to DDSN on behalf of the applicant.~~

~~Intake ends when the accurate and complete set of documents is submitted to DDSN for Determination of Eligibility.~~

III. DETERMINATION OF DDSN ELIGIBILITY

In accordance with S.C. Code Ann. § 44-20-390 - 430 (2018), no individual believed to have Intellectual Disability, a Related Disability, Head Injury, Spinal Cord Injury, Similar Disability or Autism Spectrum Disorder may be admitted to the services of DDSN until he/she has been determined eligible by DDSN on the basis of acceptable data to have Intellectual Disability, a Related Disability, Head Injury, Spinal cord Injury, Similar Disability or Autism Spectrum Disorder unless he/she is an infant at risk of a developmental disability and in need of DDSN services. The Determination of Eligibility for DDSN services is made by DDSN using the accurate and complete set of documents collected and submitted as part of Intake or appropriate testing which confirms the presence of ASD following the procedures outlined in S.C. Code Regs. § 88-505-520 (2022).

~~The criteria for DDSN eligibility are:~~

~~A.~~ Intellectual Disability

Definition

~~S.C. Code Ann. § 44-20-30 (2018) defines “Intellectual Disability” as significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.~~

Diagnostic Criteria

~~DDSN evaluates referred individuals in accordance with the definition of Intellectual Disability outlined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders Fifth Edition, (DSM-5).~~

~~Intellectual Disability refers to substantial limitations in present functioning. Diagnosis of Intellectual Disability based on the DSM-5 definition requires the following three (3) criteria be met:~~

- ~~1. Significantly sub-average intellectual functioning; an IQ of approximately 70 or below on an individually administered intelligence test (for infants, a clinical judgment of significantly sub-average intellectual functioning); and~~
- ~~2. Concurrent deficits in present overall adaptive functioning (i.e., the person's effectiveness in meeting the standards expected for his/her age by his/her cultural group) with deficits in at least two (2) of the following adaptive skills areas:~~
 - ~~• communication,~~
 - ~~• self care,~~
 - ~~• home living,~~
 - ~~• social/interpersonal skills,~~
 - ~~• use of community resources,~~
 - ~~• self direction,~~
 - ~~• functional academic skills,~~

 - ~~• work,~~
 - ~~• leisure,~~
 - ~~• health, and safety; and~~
- ~~3. The onset of Intellectual Disability is prior to age 22.~~

~~There must be concurrent deficits in intellectual and adaptive functioning that fall approximately two (2) or more standard deviations below the mean (approximately 70 or below) on standardized measures in order to meet criteria for diagnosis of Intellectual Disability. However, a score of 70 on any intelligence and/or adaptive test does not equate to a diagnosis of Intellectual Disability.~~

~~DDSN relies on qualified testing providers to administer psychological testing to applicants. This includes testing conducted by school psychologists and other professionals who regularly administer psychological tests to persons with disabilities. The tests are then analyzed by the DDSN Eligibility Division to determine if they are reliable and valid, and to determine whether they are consistent with other psychological tests, school records including academic achievement scores, placement in special education and Individualized Education Plan (IEP) data, medical reports, psychiatric and mental health records, family history, and other pertinent information. In order to ensure the reliability and validity of the tests administered to applicants,~~

~~only standardized measures are used to determine if criteria for Intellectual Disability are met. Therefore, DDSN maintains a list of all approved psychometric tests that must be used for eligibility purposes.~~

~~In the event that assessment results are unavailable or updated assessment information is needed, DDSN will contact the intake provider to assist in coordinating for testing to take place at a location convenient to the applicant.~~

~~B. — Related Disability~~

~~Definition and Diagnostic Criteria~~

~~S.C. Code Ann. § 44-20-30 and 42 CFR 435.1009 defines eligibility for DDSN services under “Related Disability” as follows:~~

~~A severe, chronic condition found to be closely related to Intellectual Disability or to require treatment similar to that required for persons with Intellectual Disability and must meet all four (4) of the following conditions:~~

- ~~1. — It is attributable to cerebral palsy, epilepsy, or any other condition other than mental illness found to be closely related to Intellectual Disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with Intellectual Disability and requires treatment or services similar to those required for these persons; and~~
- ~~2. — The Related Disability is likely to continue indefinitely; and~~
- ~~3. — It results in substantial functional limitations in three (3) or more of the following areas of major life activity:~~
 - ~~• — Self-care,~~
 - ~~• — Understanding and use of language,~~
 - ~~• — Learning,~~
 - ~~• — Mobility,~~
 - ~~• — Self-direction,~~
 - ~~• — and Capacity for Independent Living; and~~
- ~~4. — The onset is before age 22 years.~~

~~DDSN relies on qualified testing providers to administer psychological testing to applicants. This includes testing conducted by school psychologists and other professionals who regularly administer psychological tests to persons with disabilities. The tests are then analyzed by the DDSN Eligibility Division to determine if they are reliable and valid, and to determine whether they are consistent and congruent with other psychological tests, school records including academic achievement scores, placement in special education and Individualized Education Plan~~

~~(IEP) data, medical reports, psychiatric and mental health records, family history, and other pertinent information. In order to ensure the reliability and validity of the decisions made, DDSN uses standardized measures to determine if criteria for a Related Disability are met. Specifically, a standardized test of functional abilities that yields a composite score of two standard deviations or more below the mean (i.e., Composite < 70) must be met to qualify for eligibility under the Related Disability category. DDSN maintains a list of all approved psychometric tests that will be used to determine if criteria for a related condition are met.~~

~~In the event that assessment results are unavailable or updated assessment information is needed, DDSN will contact the intake provider to assist in coordinating for testing to take place at a location convenient to the applicant.~~

~~C. High Risk Infant~~

Definition

~~S.C. Code Ann. § 44-20-30 defines “high risk infant” as a child less than 36 months of age whose genetic, medical or environmental history is predictive of a substantially greater risk for a developmental disability than that for the general population.~~

Diagnostic Criteria

~~Children younger than 36 months of age are served under this category when they:~~

- ~~• Exhibit significant documented delays in three or more areas of development; or~~
- ~~• Have an approved diagnosis confirmed by a medical professional and exhibit significant documented delays in two areas of development.~~

~~This category of eligibility allows DDSN to provide services to infants and young children under 36 months in instances where the future diagnosis is not absolutely clear due to situations (genetic, environmental or medical) present at birth or manifesting themselves thereafter, including accident and injury. In such instances, eligibility may be established in a time-limited fashion until a more comprehensive and conclusive assessment can be made regarding the presence or absence of a qualifying disability (not to exceed 36 months of age). Infants and young children under 36 months are eligible to receive all DDSN services for which they qualify based on need and resource availability. Once the child turns 36 months of age, he/she must qualify for DDSN eligibility in another category, such as Intellectual Disability, a Related Disability, Autism, Traumatic Brain Injury or Spinal Cord Injury to continue to receive services from DDSN. The one exception is for those children ages three (3) to six (6) years of age eligible in the at risk category. These children may continue to receive Early Intervention services (i.e., family training and case management provided by an Early Interventionist) until further notified by the State Director. Any child 36 months of age or older whose eligibility is not updated by DDSN’s Eligibility Division by their 37th month of age must have their file closed. The child is no longer eligible to receive any service from DDSN.~~

~~D. — Autism Spectrum Disorder~~

~~Definition~~

~~DDSN uses the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM-5) definition of “Autism Spectrum Disorder” (i.e., ASD) which states Autism Spectrum Disorder is “persistent deficits in social communication and social interaction across multiple contexts defined by restricted, repetitive patterns of behavior, interests, or activities.”~~²

~~Diagnostic Criteria~~

~~DDSN evaluates referred individuals in accordance with the definition of Autism Spectrum Disorder outlined in the Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM-5).~~

- ~~1) — Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following three (3) criteria, currently or by history:~~
 - ~~a) — Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.~~
 - ~~b) — Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.~~
 - ~~c) — Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.~~
- ~~2) — Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two (2) of the following, currently or by history:~~
 - ~~a) — Stereo-typed or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases).~~
 - ~~b) — Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat same food every day).~~

- c) ~~Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).~~
- d) ~~Hyper or hypo reactivity to sensory input or unusual interest in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).~~
- 3) ~~Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life).~~
- 4) ~~Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.~~
- 5) ~~These disturbances are not better explained by Intellectual Disability (intellectual developmental disorder) or global developmental delay. Intellectual Disability and Autism Spectrum Disorder frequently co-occur; to make comorbid diagnoses of Autism Spectrum Disorder and Intellectual Disability, social communication should be below that expected for general developmental level.~~

E. ~~Head and Spinal Cord Injury and Similar Disability~~

Definition

~~Under S.C. Code Ann. § 44-38-370, which establishes DDSN legislative authority for the Head and Spinal Cord Injury (HASCI) Division, a person is eligible for case management services under this article when at the time of determining eligibility the person has a severe chronic limitation that:~~

- 1. ~~Is attributed to a physical impairment, including head injury, spinal cord injury or both, or a similar disability, regardless of the age of onset, but not associated with the process of a progressive degenerative illness or disease, dementia, or a neurological disorder related to aging;~~
- 2. ~~Is likely to continue indefinitely without intervention;~~
- 3. ~~Results in substantial functional limitation in at least two (2) of these life activities:~~
 - a) ~~Self care;~~
 - b) ~~Receptive and expressive communication;~~
 - c) ~~Learning;~~
 - d) ~~Mobility;~~

- ~~e) — Self direction;~~
- ~~f) — Capacity for independent living;~~
- ~~g) — Economic self sufficiency; and~~
- ~~4. — Reflects the person's need for a combination and sequence of special interdisciplinary or generic care or treatment or other services, which are of lifelong or extended duration and are individually planned and coordinated.~~

Diagnostic Criteria

~~S.C. Code Ann. § 44-38-20, which relates to the South Carolina Head and Spinal Cord Information System, defines head injury and spinal cord injury:~~

~~“Head injury” means an insult to the skull or brain, not of a degenerative or congenital nature, but one caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning and possibly in behavioral or emotional functioning. It does not include cerebral vascular accidents or aneurysms.~~

~~“Spinal cord injury” means an acute traumatic lesion of neural elements in the spinal canal resulting in any degree of sensory deficit, motor deficit, or major life functions. The deficit or dysfunction may be temporary or permanent.~~

~~“Similar disability” is not specifically defined within South Carolina Codes of Law; however, S.C. Code Ann. § 44-38-370 states that similar disability is “not associated with the process of a progressive degenerative illness or dementia, or a neurological disorder related to aging.” There must be medical documentation and functional/adaptive assessments to substantiate that Traumatic Brain Injury, Spinal Cord Injury or Similar Disability occurred and produced ongoing substantial functional limitations. There must be documentation of pre-existing/concurrent conditions, which impact functioning.~~

IV. NOTICE OF DECISIONS AND RIGHT TO APPEAL

Following the Determination of Eligibility by DDSN, written notice of the results of the Determination will be provided to the applicant/legal guardian. If the applicant is determined to not be eligible for DDSN services, the notice will outline the basic reasons why the applicant did not meet eligibility criteria. Upon request of the applicant/legal guardian, a DDSN Eligibility Division staff member will read or explain the eligibility decision and appeal process to the applicant/legal guardian.

The notice of the decision will also include information on the applicant's right to appeal the eligibility determination and the process for doing so in accordance with S.C. Code Ann. Regs 88-705-715. As established by the SC Code of Laws, the State Director of DDSN or his/her designee has the final authority over applicant eligibility.

Eligibility information for applicants and those determined eligible is available to providers through DDSN's electronic health record system.

~~Susan Kreh Beck, Ed.S., LPES, NCSP~~

~~Associate State Director Policy (Originator)~~

~~(Originator)~~

Barry D. Malphrus

Vice Chairman

~~Patrick J. Maley~~

~~Interim State Director~~

~~(Approved)~~

Stephanie M. Rawlinson

Chairman

To access the following attachments, please see the agency website page “Current Directives” at: <https://ddsn.sc.gov/providers/ddsn-directives-standards-and-manuals/current-directives>

Attachment: DDSN Intake and Eligibility Process Flow Chart